

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

STORUS CORPORATION,

No. C 06-2454 MMC (MEJ)

Plaintiff(s),

**ORDER RE: DR. TROUT**

vs.

RESTORATION HARDWARE, INC., et al.,

Defendant(s).

The Court is in receipt of the parties' joint discovery letter regarding Dr. Trout's expert report, filed November 27, 2007. (Doc. #155.) In the letter, Plaintiff argues that Defendants disclosed Dr. Trout as an expert witness on October 19, but failed to provide his expert report. Plaintiff requests that the Court preclude Defendants from introducing any testimony or opinion from any experts. Pursuant to Federal Rule of Civil Procedure 26(a)(2), the disclosure of an expert witness must be accompanied by a written report prepared and signed by the witness. While Defendants provide no compelling reason for failure to include Dr. Trout's report at the time of disclosure, the Court shall permit Defendants a final opportunity to provide the report. Accordingly, Defendants are ORDERED to produce Dr. Trout's expert report by December 10, 2007. Defendants shall then make Dr. Trout available for deposition by December 19, 2007. Further, having conferred with Judge Chesney, the undersigned EXTENDS the deadline to file dispositive motions to December 28, 2007.

**IT IS SO ORDERED.**

Dated: November 28, 2007

  
MARIA-ELENA JAMES  
United States Magistrate Judge